

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-17-106
WAYNE JENKINS,) CRIMINAL CASE NO. CCB-17-638
Defendant.)
_____)

Thursday, June 7, 2018
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

SENTENCING

For the Plaintiff:

Leo J. Wise, Esquire
Derek E. Hines, Esquire
Assistant United States Attorneys

Reported by:

Douglas J. Zweizig, RDR, CRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

1 For the Defendant:

2 Steven Levin, Esquire

3 Also Present:

4 Melissa McGuinness, U.S. Probation Officer

5 Adam Smith, U.S. Probation Officer

6 Special Agent Erika Jensen, FBI

7 Special Agent Kevin Bodmer, FBI

8 Sergeant John Sieracki, Baltimore Police Department

9 Officer Jared Stern, Baltimore Police Department

P R O C E E D I N G S

(10:10 a.m.)

THE COURT: Good morning, everyone. You can be seated, please.

Would you like to call the case, Mr. Wise.

MR. WISE: Thank you, Your Honor.

The case is United States of America versus Wayne Jenkins, Criminal No. 17-106 and 17-638.

Leo Wise and Derek Hines for the United States.

And with us is Special Agent Erika Jensen of the FBI, at counsel table, as well as Sergeant John Sieracki of the Baltimore Police Department, Jared Stern of the Baltimore Police Department, and Kevin Bodmer of the FBI.

THE COURT: Okay. Thank you.

MR. LEVIN: Good morning, Your Honor. Steven Levin on behalf of Wayne Jenkins, who is seated to my right.

THE COURT: Good morning.

All right. We are here for sentencing for Mr. Jenkins following his guilty plea to a number of charges in both of the criminal case numbers that have been mentioned.

Let me start with the presentence report, if I can.

I will mention that I have received a sentencing memo from Mr. Levin. Thank you. A number of letters and documents. And, of course, I've reviewed the presentence report.

And I'll just start with you, Mr. Wise. Any

1 additions, corrections, or modifications to suggest to the
2 presentence report?

3 **MR. WISE:** No, Your Honor. Thank you.

4 **THE COURT:** Okay. Mr. Levin, I know you have read it.
5 And, just for the record, has your client had the chance to
6 review it with you?

7 **MR. LEVIN:** Yes, Your Honor.

8 **THE COURT:** Any additions, corrections, or
9 modifications?

10 **MR. LEVIN:** Only -- no objections to the guideline
11 analysis.

12 But we did submit, as Your Honor knows, under seal,
13 objections, factual objections -- or actually just
14 clarifications -- to some of the facts that were laid out in
15 the presentence report.

16 So I would just ask that those additions be included
17 or added to the final presentence report.

18 **THE COURT:** Yes. I did not see anything about those
19 facts as you've just indicated that would affect the guideline
20 calculations.

21 **MR. LEVIN:** That's correct, Your Honor.

22 **THE COURT:** Mr. Wise, did you want to be heard?

23 **MR. WISE:** Just for the record, Your Honor, we
24 don't -- to the extent these are characterized as the additions
25 of the defendant, we don't agree to their accuracy or truth,

1 and so we would want the -- we would not -- we would object to
2 the presentence report being modified in this way short of just
3 indicating that these are, in fact, the additions they've
4 raised.

5 **THE COURT:** Well, that was what I was contemplating,
6 that the presentence report should include, on behalf of
7 Mr. Jenkins, what Mr. Levin has just referred to as
8 clarifications.

9 I'm not going to make a finding one way or the other
10 on them. There are plenty of facts set out in the statement of
11 facts and the plea agreement.

12 But I do think it's perfectly appropriate to have
13 Mr. Jenkins' position on a few separate items included in the
14 presentence report, so we'll do that.

15 **MR. WISE:** Thank you, Your Honor.

16 **THE COURT:** Okay. All right. The guideline
17 calculations are set out in some detail, I believe both in the
18 plea agreement and in the presentence report.

19 Understanding that there are not objections -- well,
20 let me just be clear about that.

21 The final guideline range, as calculated in the
22 presentence report, is an offense level of 40, criminal history
23 category of I, a guideline range of 292 to 365 months.

24 I take it the Government agrees?

25 **MR. WISE:** Yes, Your Honor.

1 **THE COURT:** Mr. Levin?

2 **MR. LEVIN:** Yes, Your Honor.

3 **THE COURT:** Okay. All right. Then I'm not going to
4 go through the precise calculations and groupings and all of
5 how that was arrived at. We'll accept that as the appropriate
6 advisory guideline range.

7 Obviously, that is only one factor to consider. And,
8 of course, I'm also aware that there is a (C) plea for between
9 20 and 30 years.

10 I will start with the Government. And let me know
11 what you would like to address.

12 Actually, also, there are a couple of things I want to
13 talk about.

14 We have a policy in this district, I'll just say that,
15 in every sentencing to have a discussion of cooperation,
16 whether or not a defendant has been cooperating, and that
17 discussion is always under seal, so I'm going to ask counsel to
18 approach the bench.

19 Conference at the bench.

20 (It is the policy of this court that every guilty plea and
21 sentencing proceeding include a bench conference concerning
22 whether the defendant is or is not cooperating.)

23 **THE COURT:** All right. Thank you, counsel.

24 Before I turn to the Government for whatever specific
25 sentencing recommendation you would like to make, do you know

1 whether there are any people in the courtroom who believe they
2 are victims who would like to speak?

3 **MR. WISE:** Your Honor, I believe there may be two
4 individuals at this time that may wish to come forward and
5 speak.

6 Ma'am, if you would come to the podium.

7 Ma'am, you can just go to the podium and address
8 Her Honor. And just start by saying your name.

9 **SHIRLEY DAVIS:** Okay. My name is Shirley Davis.

10 Good morning, Your Honor.

11 **THE COURT:** Good morning.

12 And if you could speak right into that microphone just
13 a little bit louder.

14 **SHIRLEY DAVIS:** A little bit louder. Okay.

15 What I want to say this morning is that my father was
16 killed in a fatal car crash. My father was a person that you
17 could depend on. My father would do anything for us or anyone
18 else, and his life was taken away from him in a fatal car crash
19 that Officer Jenkins was involved in.

20 So now we have no father to share our lives with. We
21 miss our dad. We no longer have the special occasions,
22 birthdays, holidays that we spent with my dad.

23 And then to find out seven years later that
24 Officer Jenkins was involved in the accident that took my
25 father's life, that he is no more than a common criminal and

1 his task force, 'cause my dad would be alive today had it not
2 been for his actions on that day.

3 Our family hearts are broken. We'll never be the same
4 again.

5 So that's what I have to say about Mr. Jenkins.

6 Thank you, Your Honor.

7 **THE COURT:** Thank you, Ms. Davis.

8 **DELORES DAVIS:** Good morning, Your Honor.

9 **THE COURT:** Good morning.

10 **DELORES DAVIS:** My name is Delores Davis, and I am the
11 daughter of Elbert Davis.

12 And on that day my father and my mother came to see
13 me; and on the way home, they was into a fatal car crash with
14 Mr. Jenkins and the rest of the task force that was out there.
15 And I miss my father very much.

16 And on that day I told my dad I would see him later on
17 that night. And that would be the last kiss I got from my
18 father, 'cause I wouldn't see him no more. That was it.

19 I'm trying to keep -- keep myself together. I'm
20 sorry.

21 **THE COURT:** It's okay.

22 **DELORES DAVIS:** But I miss my dad, and that's the only
23 day I seen him is when he left there.

24 And I hope Mr. Jenkins know how much he hurt my
25 family.

1 **THE COURT:** Okay. Thank you.

2 **DELORES DAVIS:** Thank you.

3 **THE COURT:** Thank you, Ms. Davis.

4 All right, Mr. Wise.

5 **MR. WISE:** Thank you, Your Honor.

6 And, Your Honor, the two victims that spoke, the car
7 crash they speak of, as I'm sure Your Honor is aware, is the
8 episode in which heroin was planted on the driver of the car
9 that actually struck Mr. Davis.

10 And Mr. Jenkins authored the police report that led to
11 the incarceration of the two individuals involved in that fatal
12 car crash for almost 11 years, individuals who I'll speak about
13 this morning.

14 Wayne Jenkins committed at least ten armed robberies
15 with his co-defendants; at least three burglaries, one of which
16 resulted in him and his co-defendant obtaining more than
17 \$200,000 of luxury watches. He stole drugs on a nearly daily
18 basis, resulting in more than \$1 million of drug sales that
19 netted him almost a quarter of a million dollars.

20 He oversaw and benefited from overtime fraud that
21 sapped the City's budget of hundreds of thousands of dollars at
22 a time when the City is struggling to heat its schools.

23 He lied on police reports again and again and again,
24 jeopardizing, along with his co-defendants, what, at the most
25 recent estimate that was given to the City Council by the

1 State's Attorney this past week, affects approximately 1700
2 criminal cases.

3 Those crimes affect all of us, but Jenkins' crimes
4 also had a profound effect on the lives of individuals,
5 individuals like Ms. Shirley Davis and Ms. Delores Davis, who
6 just spoke, individuals who will never recover from what's been
7 done to them.

8 And as I said, among those hundreds of false police
9 reports that he authored or approved as a sergeant was one that
10 he himself wrote that put two men in jail for almost 11 years
11 for a crime they did not commit.

12 So how do you measure the harm done by his actions?
13 How do you measure the harm of Mr. Jenkins' actions to people
14 like Ronald Hamilton, who was robbed late on a summer night in
15 2016?

16 And Your Honor heard him in the trial in the winter.
17 And while the jury didn't consider what he said about the
18 effects of that episode on his family and his life, because it
19 wasn't evidence of what had happened, Your Honor heard it and
20 Your Honor saw it.

21 Your Honor heard him say [reading]: This destroyed my
22 whole family. I'm in a divorce process right now because of
23 this. This destroyed my whole family. You sit here asking me
24 questions about a house. My wife stays in the Walmart every
25 night until I come home. If you want to know that, worry about

1 that. That's what's the matter in here. Everybody's life is
2 destroyed.

3 And that was just one of the victims of Wayne Jenkins
4 and the two elite plainclothes Baltimore Police Department
5 units that he led like a criminal gang.

6 While the harm that he did is immeasurable, the
7 largest share of the blame for the crimes of the GTTF and the
8 members of the Special Enforcement Section unit that he led
9 before that, the largest share of those crimes belongs to him,
10 and his sentence should reflect that.

11 As the law provides, the Court will consider the
12 nature and circumstances of the offense and the history and
13 characteristics of the defendant.

14 I'll briefly -- or I'll address each of those in turn
15 and for the fact that the need of the sentence imposed reflect
16 the seriousness of the offense, to promote respect for the law,
17 and to promote just punishment, and to afford adequate
18 deterrence, and, finally, the need to avoid unwarranted
19 sentencing disparities, which I will also address in turn.

20 The conduct that Jenkins committed, which is laid out
21 in the presentence report and in detail in the statement of
22 facts that was made part of his plea agreement is, in a word,
23 breathtaking.

24 Those facts describe how not only at the GTTF, but
25 before that, Jenkins routinely stole drugs from individuals he

1 stopped -- and this is what really makes him different. And
2 I'll speak about the differences between him and the other
3 defendants at various points.

4 But Your Honor has heard and taken the guilty pleas of
5 multiple co-defendants and presided over a trial where
6 individual episodes of robbery were proven or admitted to, and
7 I'll speak about each of those.

8 But what Jenkins did, which none of the other
9 defendants did, was this almost daily robbing of individuals
10 that had drugs, that were selling drugs or using drugs on the
11 streets, sometimes of small quantities, sometimes of large
12 quantities.

13 And the link in the chain that Donald Stepp provided
14 was where those drugs went. And those drugs went to
15 Donald Stepp, and then they went back onto the streets of
16 Baltimore.

17 And Donald Stepp described in his testimony how this
18 was so frequent, so frequent that he came to actually give
19 Jenkins a key to the shed in his backyard so that Jenkins could
20 drop them off without having to wake him up. And then Stepp
21 would go and sell them.

22 And Stepp estimated that he sold a million dollars'
23 worth of drugs that Jenkins put in that shed and gave Jenkins
24 almost a quarter of a million dollars for those drugs.

25 He also routinely stole money, and Your Honor heard

1 and has heard about that at length. He stole money and kept it
2 for himself at times. He stole money and shared it with his
3 co-defendants.

4 And in doing both those things, and in various other
5 ways, he perverted the criminal justice system. People that
6 should have been charged with drug crimes were let go because
7 Jenkins took their drugs.

8 People that were charged had false descriptions of the
9 circumstances of their arrests provided to judges in our city
10 and in our state courts and even in our federal courts.

11 And Jenkins did this not only as a detective -- and
12 that's when this began -- but worse -- and I'll talk about this
13 at length -- in a leadership position, leading not one but two
14 elite plainclothes units.

15 But it gets worse. He also learned at various points,
16 despite all the efforts taken by law enforcement to keep this
17 investigation covert -- and it was extremely difficult to do
18 that, given that the targets in this case were all police
19 officers themselves.

20 But he learned at various points of the investigation,
21 at first into Gondo and Rayam, which is how the investigation
22 began, and he provided that information to them.

23 And it was only because of their greed and their
24 arrogance that they didn't take that information and use it to
25 further conceal their conduct and continued as they had been.

1 And in the course of the investigation, we learned
2 that the GTTF wasn't working or working nearly as much as they
3 claimed to be.

4 And we learned that a systematic fraud was being
5 committed on the City and on the state, which provides the
6 majority of the Baltimore Police Department's budget, that
7 these men were in some cases doubling their salaries, from
8 \$80,000 to \$160,000 in a year, by claiming to work when they
9 didn't.

10 And this is not -- and this was something that was in
11 one of the defense filings in this proceeding, but also in the
12 trial. This is not this phenomenon of "the day off for a gun."
13 And I'm not going to address whether that's appropriate or not.

14 But to be very clear, what was charged that they did
15 was not that they took a day off when they got a gun, but that
16 they lied on the submissions they made to the police department
17 and said that they got a gun and worked till 5 o'clock in the
18 morning when, in fact, they may have only worked until
19 11 o'clock the evening before.

20 Or if one member of the unit got a gun, they all
21 claimed to have worked five or six or eight hours of overtime.
22 That systematic looting of the overtime system is what
23 Wayne Jenkins and the other members of the GTTF did. And that
24 started, again, not in the GTTF, but in the SES unit he led
25 before that.

1 And it got worse. When the defendants were detained,
2 as he has admitted, the deceptions continued.

3 They were housed in the Howard County Detention
4 Center. And Jenkins tried to actively lead a coverup of their
5 criminal conduct, exhorting his co-defendants to stick to the
6 story, to claim, for instance, the false video of the safe
7 being opened that was played at the trial was, in fact, what
8 had happened.

9 And it was only because his co-defendants at that
10 point decided to take responsibility for their actions and
11 finally, finally come clean with what they had done that those
12 men came forward and provided evidence against him and against
13 the defendants that went to trial.

14 So as is laid out in his statement of facts, the
15 robberies began before he became a sergeant. They started in
16 at least 2011. The statement of facts describes the May 11th,
17 2011 robbery of W.B. that Jenkins did with Gondo. This was
18 before -- this was before Jenkins and Gondo, years later, wound
19 up on the Gun Trace Task Force. This is when they were -- when
20 Jenkins led it. This is when they were briefly on the
21 Gun Trace Task Force. And even for only a matter of months,
22 they stole \$1,800 from that man.

23 Moving forward in time to 2014, between 12 and 14
24 thousand dollars was robbed from J.C.

25 Moving into the spring of 2015, we learned from the

1 co-defendants about the robbery that occurred at
2 Belvedere Towers on Falls Road where Jenkins falsely
3 represented himself as a DEA agent, took \$25,000 and between 20
4 and 30 thousand dollars' worth of high-grade marijuana, and
5 split the proceeds of that robbery with Taylor and with Ward;
6 gave the drugs to Stepp to sell, which he kept himself; and
7 then benefited from the proceeds of those sales.

8 Moving forward, he committed the February 2016 robbery
9 of M.S. Again, and the amounts here range from almost a few
10 hundred dollars to hundreds of thousands of dollars.

11 The March 22nd, 2016 robbery of Oreeese Stevenson is
12 the single-largest robbery that law enforcement learned about.
13 And this is the robbery that was depicted, or the coverup of
14 that robbery that was depicted, in the video that was shown at
15 trial where Jenkins learned that someone he had pulled over had
16 kilograms of cocaine in his house and potentially hundreds of
17 thousands of dollars.

18 They went into the house without a warrant. Even
19 before they tried to get a warrant, Jenkins sent Stepp, in a
20 double-cross with his other co-defendants, to try to get to the
21 safe before they got there.

22 And when Stepp, as he testified, saw that there was
23 someone on the porch and refused to go in, Jenkins stole 2 of
24 the 10 kilograms of cocaine that were in the house, brought
25 them to Stepp, which Stepp later sold and shared the proceeds

1 with Jenkins.

2 And then Jenkins and the other members of the GTTF
3 cracked that safe and, along with the safe and other bags of
4 money in the house, stole more than \$200,000 and then created
5 the fabricated video of them attempting to open the safe.

6 And what I think is so -- among the things that was so
7 remarkable about that video is it shows what a committed,
8 sophisticated, devious person can do to thwart efforts to
9 detect this kind of behavior, because you would think -- when
10 we first learned of this video, it was after the debate that
11 had been had about body cameras, right? And the body cameras
12 were seen as a solution to misconduct, as a way to monitor, in
13 an objective sense, what was going on.

14 But what we learned that the GTTF was doing was that
15 before they were even issued body cameras, they were using
16 their iPhones to record themselves, fabricating evidence.

17 And if you step back and think about that for a
18 second, I mean, what chance do we have when you've got people
19 like Jenkins and his co-defendants fabricating video evidence?

20 What does a body camera that someone can turn on and
21 off, how can that even begin to solve the problem when you have
22 people that, even before they were issued them, were taking
23 recordings of themselves in order to cover up their conduct as
24 opposed to being fearful that they might be exposed?

25 From March, we moved into the summer and learned about

1 the robberies -- the robbery of Ronald and Nancy Hamilton. And
2 what was, again, startling about that episode, among so many
3 things, is that Jenkins brought Hendrix and Ward and Taylor
4 with him from this SES unit he had led where they had robbed
5 people.

6 And you would have thought that becoming the officer
7 in charge of the Gun Trace Task Force might -- in June of 2016
8 might have slowed him down at least or caused him to pause.
9 And this was something we wondered about when we saw that
10 Allers was leaving and Jenkins was coming in. Would the
11 criminal conduct stop?

12 We didn't know at that time that Jenkins and Ward and
13 Hendrix and Taylor had been doing this in their previous unit.
14 We knew Gondo and Rayam and Hersl had been doing it, and we
15 thought maybe this new sergeant -- and how ridiculous this
16 sounds saying it now -- maybe this new sergeant might actually
17 cause them to stop.

18 Well, within just a couple of weeks, Jenkins
19 hand-selected the team that went up to Westminster to rob the
20 Hamiltons. And it wasn't Hendrix and Ward and Taylor, the men
21 he had grown comfortable with robbing people previously. It
22 was Gondo and Rayam and Hersl.

23 And they robbed the Hamiltons, handcuffed them in
24 their living room, traumatized them the way Ronald Hamilton
25 describes, never found a gun, never found any drugs. No one

1 was ever arrested, and the Hamiltons live with the consequences
2 of that night and will for the rest of their lives.

3 Later that summer -- and Your Honor heard from
4 Dennis Armstrong at the trial -- again, in a kind of
5 double-cross -- and this, again, distinguishes Jenkins, really,
6 from any of the other defendants. Jenkins had what he was
7 doing with the GTTF, what they were doing on the job, as Gondo
8 described it. And then he had his sideline with Stepp.

9 So when they see Armstrong throwing snowballs of
10 cocaine out the window and they follow him and they trace it
11 back to a storage locker, Jenkins calls Stepp to break into the
12 storage locker.

13 And Your Honor heard testimony about that at trial;
14 saw Stepp's swollen ankle from when he had slipped, falling
15 coming over the fence; and he was able to steal cocaine out of
16 that storage locker, which he sold. And the other members of
17 the GTTF, like locusts, were able to steal the money that was
18 recovered from Armstrong's car.

19 Your Honor also heard extensive testimony -- and only
20 the most egregious of it is captured in the plea agreement --
21 but heard extensive testimony about the illegal policing
22 practices that Jenkins engaged in when he ran these two units,
23 the numbers game they played, simply stopping enough people
24 without any cause in order to recover firearms which they could
25 then use to justify the exorbitant and false overtime claims.

1 And this vicious circle began at the SES unit and
2 continued when he was at the GTTF. And it included the illegal
3 sneak-and-peeks -- that's the phrase they used -- at
4 Oreese Stevenson's house and at others'.

5 And, again, as if armed robberies in people's homes
6 wasn't enough, Jenkins also used Stepp to engage in
7 breaking-and-enterings, burglaries, at at least three locations
8 that we're aware of on the side.

9 And then that leads us to the Burley and Matthews
10 evidence planting, and this also distinguishes Jenkins.

11 There's no evidence those men were engaged in any
12 illegal conduct. The heroin recovered from that car was
13 planted there. Jenkins wrote the false report that said it was
14 recovered there, and it was the basis of those men receiving
15 federal sentences of 15 years in the case of Burley and almost
16 four years in the case of Matthews.

17 And what we learned from -- and that episode where
18 Jenkins chased them, along with two other officers, where
19 Jenkins was leading that resulted in the death of Mr. Davis.
20 And you heard from his daughters.

21 And in terms of causation, but for Sergeant Jenkins'
22 actions that day, it is true Mr. Davis wouldn't have died.
23 Burley and Matthews were sitting in a car getting ready to go
24 to a funeral when armed men, not in uniform, rushed the car.
25 And Burley made a tragic error in judgment, and that was to

1 speed away. And he struck Davis's car and killed him.

2 But that would not have happened if not for the
3 actions of Sergeant Jenkins.

4 And then, to make matters worse, as if the death of
5 that man wasn't enough, because he didn't want to be held to
6 account for that chase, he authored a false police report that
7 said heroin was recovered from those men when he knew it
8 wasn't. And those men went to prison for almost 11 years
9 between them.

10 And the way that we found out about this episode, as
11 if it isn't horrible enough, is that he used it as a kind of
12 teaching moment with the members of the GTTF and the SES unit
13 he led.

14 And we heard from multiple co-defendants that he
15 described this vehicular homicide to them -- that was the
16 phrase they used -- and counseled them to keep BB guns that
17 look like real guns in their cars so that if they ever shot
18 anyone or got into an accident like that and there was nothing
19 recovered, they could plant the gun to cover themselves.

20 And when the members of the GTTF were arrested -- and
21 Your Honor saw this at trial -- a BB gun that looked just like
22 a 9-millimeter was recovered from Taylor's car.

23 So that is the conduct. That is the nature and
24 circumstances of the conduct that this defendant committed.

25 And I've talked about some of his history and

1 characteristics, but I think a few briefly bear emphasis.

2 When he was arrested in 2017, he was a 14-year veteran
3 of the Baltimore Police Department. He was not a patrolman.
4 He was not a junior member of the BPD. He was a veteran at
5 that point who had been made detective in 2006, so he had been
6 in a position of leadership for more than ten years before his
7 arrest.

8 And as someone in a position of leadership, he should
9 have stopped the conduct, not led it, not catalyzed it, not
10 empowered the men that came under him to engage in it.

11 And as I said at the sentencing of Sergeant Allers,
12 these units in the field operate under the control of a
13 sergeant. And if a sergeant is corrupt, is compromised, there
14 is almost no way to design a system to prevent it.

15 We have to be able to rely on the integrity of
16 individual officers, particularly ones that are put in
17 positions of leadership, to not only lead their charges in
18 enforcing the law, but when there is misconduct, when there are
19 robberies that are going on in these units, to report it, to
20 stop it.

21 And there's just -- there's no way to design a system
22 that doesn't, at least in part, rely on the integrity of
23 individual officers to do that in positions of leadership.

24 All the technology in the world won't fix it. And so
25 with that responsibility comes a burden. And instead of

1 bearing that burden and doing the tough thing, which would have
2 been to turn in members of the unit that were engaged in
3 robberies, he exploited the position he was in to do it
4 himself, to do it with them, to do it on the side, to cut them
5 out of it.

6 And there's simply no way to imagine, going forward,
7 how we won't face this problem again if deterrence -- if a
8 strong deterrent message isn't sent from this sentencing and
9 from the sentencings of these other defendants.

10 In terms of the seriousness of the offense, if
11 Your Honor had someone who had engaged in ten armed robberies
12 before her, a lengthy sentence, a lengthy, lengthy sentence
13 would most certainly be the recommendation of the United States
14 Attorney's Office. The fact that he happened to be a police
15 officer when he was doing this makes it far worse.

16 The fact that he was a police officer, as we argued at
17 the sentencing of Sergeant Allers, not only victimizes the
18 individuals that were robbed, but it has profound systemic
19 consequences for the respect and promotion of the rule of law
20 in the community.

21 It undermines, in the most basic way, the public's
22 confidence in the police department, their confidence that the
23 police department will enforce the law, and their willingness
24 to work with the police department, which is so essential.

25 In the first instance, simply to respect the law; but

1 in the second instance, to work with the police department to
2 detect and apprehend individuals that break the law. There is
3 simply no way, no way for investigations to occur without that
4 active involvement of the community.

5 And the community has been betrayed by what
6 Sergeant Jenkins did and what the other members of the GTTF
7 did.

8 And the most -- and the clearest effect of that is
9 this most recent estimate, given by the State's Attorney to the
10 City Council, that something like 1700 cases have been
11 affected. Hundreds have been thrown out.

12 And there's really two parts to that. Undoubtedly,
13 among that population of cases, there are people who broke the
14 law, people who were violent, people who should be
15 incapacitated; and they're back out on the street because the
16 criminal justice system cannot trust the word of
17 Sergeant Jenkins and the other men on the GTTF when they
18 claimed to have seen things or heard things that led to the
19 charges brought in those cases.

20 And so it is a tragedy. And that is why, in the case
21 of Burley and Matthews, the U.S. Attorney's Office took steps
22 to free Burley and to vacate the convictions of Matthews and
23 Burley.

24 Matthews had already been released from prison when we
25 learned of this. It is a tragedy when the innocent are

1 imprisoned, but it is a tragedy for all of us that the guilty
2 will go free as a result of the actions of these men.

3 As I said, deterrence is an important, important
4 consideration here because the temptation to steal money is
5 present. It's a fact of life in units that police -- in
6 narcotics cases.

7 Drug dealers have large quantities of money, and it's
8 black money. It's not money that goes into a bank. It's not
9 money that's accounted for. And drug dealers won't complain in
10 the main when they're robbed, because they know they'll face
11 longer sentences if they admit they had sold more drugs than
12 they were caught with or were intending to buy more drugs.

13 And so the way this case, you know, came to our
14 attention was not that the people they had robbed came and
15 complained to IID. That's not going to solve it.

16 So a strong deterrent message has to be sent that the
17 units that operate in and around drug crimes, that if they are
18 caught -- if they rob people and if they are caught, there will
19 be severe consequences.

20 But we don't have a great prospect of catching them,
21 and that's why it's so important when they are found, that
22 there be consequences.

23 Finally, Your Honor, in terms of avoiding unwarranted
24 sentencing disparities, this is the second sentencing
25 Your Honor has conducted. Obviously, Sergeant Allers was the

1 first. He received a sentence of 15 years, and that reflects
2 all of the factors under 3553(a) that I addressed at his
3 sentencing and that I've addressed this morning.

4 And there are similarities but important differences
5 between Jenkins and Allers.

6 The similarities are they were both obviously in a
7 position of leadership. And they bear special -- a special
8 responsibility as a result, and that is an aggravating factor
9 that they both uniquely bear.

10 The difference is -- among the differences are Allers
11 didn't steal drugs. He didn't daily steal drugs and put them
12 back out on the streets.

13 Allers didn't commit overtime fraud. For all the talk
14 about this being widespread and endemic in the department,
15 there was nothing, no evidence of the systemic overtime fraud
16 that went on when Allers was the sergeant; just the opposite,
17 in fact. The evidence we had at the time it was Gondo and
18 Rayam, to the extent they were committing overtime fraud, were
19 hiding it from Allers.

20 Allers didn't break into people's homes like Jenkins
21 did with Stepp, and Allers didn't plant evidence.

22 And so there are important, important distinctions
23 between Allers and Jenkins. And those distinctions justify a
24 significantly longer sentence for Jenkins.

25 The guidelines in this case -- the (C) plea obviously

1 contemplates a range of 20 to 30 years. The guidelines -- the
2 guideline recommendation is about 24 years.

3 As we said in Allers' sentencing, and have been up
4 front about, we are asking for the top of the (C) plea range,
5 for 30 years.

6 And that is for all of the reasons I've articulated,
7 but also because just looking for a moment at the guidelines,
8 which are but one factor, the 24 years doesn't account for the
9 fact that the violation of the public trust here was so
10 profound, was so profound.

11 If he had done it once or if he had done it ten times
12 like he did or if he had done it hundreds of times like he did
13 when you consider the thefts of drugs, the guidelines don't
14 reflect that. And the guidelines don't reflect that two
15 innocent men sat in prison for 11 years between them.

16 And so for all those reasons, the United States
17 believes a sentence of 30 years is sufficient but not greater
18 than necessary to achieve the ends of sentencing and to do
19 justice in this case.

20 Thank you, Your Honor.

21 **THE COURT:** Thank you, Mr. Wise.

22 **MR. LEVIN:** Your Honor, may we approach briefly?

23 **THE COURT:** Sure.

24 (Sealed bench conference.)

25 **THE COURT:** Mr. Levin.

1 **MR. LEVIN:** Thank you, Your Honor.

2 There are a number of individuals who would like to
3 speak on behalf of Mr. Jenkins.

4 **THE COURT:** Sure.

5 **MR. LEVIN:** So if I could ask Mr. O'Quinn to step
6 down, please.

7 **JAMES O'QUINN:** Good morning, Your Honor.

8 **THE COURT:** Good morning.

9 **JAMES O'QUINN:** Your Honor, my name is James O'Quinn,
10 and I stand before you today --

11 **THE COURT:** Slow down. Sorry. We want to be able to
12 hear you.

13 **JAMES O'QUINN:** I apologize. I'm nervous. I
14 apologize.

15 I stand before you today to urge you for leniency for
16 Wayne Jenkins.

17 I have known Wayne for almost 25 years, since we were
18 freshmen in high school together. I am aware of the gravity of
19 the crimes he has -- he has been convicted of, but it's still
20 hard for me to wrap my head around it.

21 This is not the man I know, and I'd like to give you a
22 perspective that shows that he is more than the sum of his
23 actions on the days he committed such crimes.

24 Wayne has always been there for me and my daughter,
25 whether it was something simple, like helping me move into my

1 new house, or something more serious, like I was going -- when
2 I was going through my divorce and custody battle.

3 I honestly don't think I would have made it through my
4 divorce as well emotionally without him.

5 No matter how many times I told him I was fine, he
6 still came to my house every day to make sure he saw it with
7 his own eyes, often listening to me complain for hours on end.

8 Your Honor, I think it is important to mention the
9 loss of a child Wayne experienced not long ago, not just
10 because it was a tragedy and is part of who Wayne is, but
11 because it shows his character.

12 Just days before his new baby boy Lucas was due to be
13 born, his wife experienced complications and they lost him. I
14 can't imagine how hard this was to deal with, but I can tell
15 you that Wayne handled it with the strength and resilience that
16 I've never seen. And honestly, I think this made him a better
17 husband and father.

18 For years I was used to seeing Wayne and his boys come
19 to my house out of the blue to see what my daughter and I were
20 doing. We often took the kids hiking or swimming or would even
21 take our dogs out for long walks.

22 Whenever you saw Wayne, you saw his boys with him. He
23 truly is the best husband and father I know and believe it
24 would be unfair to his wife and boys to incarcerate him for any
25 longer than necessary.

1 I can speak from personal experience when I tell you
2 that mine and my father's relationship growing up made me the
3 responsible man I am today, and I desperately want that for
4 Wayne's boys.

5 In closing, I would just like to say that in the
6 nearly 25 years I've known Wayne, I can, without uncertainty,
7 tell you that this is a man who will learn from his mistakes
8 and use this experience to do better.

9 Thank you for your time, Your Honor.

10 **THE COURT:** Thank you. Thank you, sir.

11 **MR. LEVIN:** Your Honor, Wendy Kraft would also like to
12 address the Court.

13 **THE COURT:** All right.

14 **THE CLERK:** Ma'am, please state your name for the
15 record.

16 **WENDY KRAFT:** Good morning.

17 **THE CLERK:** Please state your name for the record.

18 **WENDY KRAFT:** My name is Wendy Kraft. I'm 55 years
19 old, married, and I have a 28-year-old son. I graduated from
20 James Madison University in 1985 with a Bachelor's of Science
21 in early childhood education.

22 I received my Master's equivalency from
23 Towson University.

24 And I taught kindergarten, first, second, and third
25 grades for 30 years in Frederick, Anne Arundel, and

1 Baltimore County.

2 During that time, I was nominated for Baltimore County
3 Teacher of the Year twice and received the White Marsh,
4 Middle River, Franklin Square Chamber of Commerce Outstanding
5 Educator Award and the Baltimore County Excellence in Education
6 Award, as well as was in Who's Who Among America's Teachers.

7 I've been retired for almost three years. I have
8 known Wayne Jenkins for seven years. His oldest son, K.J., was
9 in my kindergarten class for the 2011-2012 school year, and his
10 middle son, J.J., was in my kindergarten class for the 2014-'15
11 school year.

12 Currently, I am babysitting his youngest son, C.J.,
13 who is 18 months old. I have been doing so since he was 2
14 months old, starting January 2017.

15 Mr. Jenkins always emphasized the importance of
16 education with his son. Wayne attended every parent-teacher
17 conference that I held. He always inquired not only about his
18 sons' academic performance, but also about their behavior and
19 questioned if they were being respectful.

20 Mr. Jenkins went on all of our field trips to the
21 Baltimore Zoo, Port Discovery, the pumpkin farm as a chaperone.

22 He and his wife, Kristy, along with their parents,
23 attended school musical concerts their sons were involved in,
24 as well as family fun nights, ice cream socials,
25 back-to-school, and math and reading nights.

1 Wayne was also a guest speaker at Career Day at the
2 school two years in a row, discussing his role as a police
3 officer and encouraging students to pursue that field.

4 Whenever I sent a note home asking for volunteers or
5 extra supplies for a special activity, Mr. Jenkins was the
6 first parent to respond.

7 The children loved him coming in to help. He was a
8 great male role model.

9 Wayne stayed involved even when his sons moved to
10 other grades.

11 Mr. Jenkins was very polite and instilled empathy and
12 manners in both of his sons. He made sure they always said,
13 "Please," "Thank you," "No. Thank you," and "Excuse me."

14 He and his sons opened doors and car doors for
15 everyone. At Christmas, the Jenkins family sent in toys for
16 the school drive, canned goods for the homeless shelter, and
17 mittens for our mitten tree.

18 They bestowed presents not only upon their child's
19 teacher but also the nurse, secretaries, and administration.
20 This was their way of thanking everyone for all they do for
21 their children and community.

22 To this day Wayne insists on calling me "Ms. Kraft"
23 out of respect, even though I told him many times to call me
24 Wendy.

25 Family is very important to Wayne. He is a very

1 dedicated family man. His wife, Kristy, and his sons, K.J.,
2 C.J., and J.J.; his parents, Bonnie and Lloyd; and siblings are
3 all extremely close-knit.

4 Wayne lives within five miles of his childhood home
5 and visited his parents almost every day.

6 His mother, Bonnie, volunteered in my kindergarten
7 classroom once a week for the entire year, both times her
8 grandsons were in my class.

9 I came to respect the Jenkins family and became close
10 to them when their sons were in my class.

11 The summer after J.J. was in my class, I rented my
12 vacation home to their family. They are the only family in my
13 30-year teaching career I have ever felt comfortable enough
14 trusting to rent my property to.

15 Wayne Jenkins loves his family so much. Many times he
16 would take his boys on father-and-son camping trips or
17 four-wheeling at a friend's cabin. Warm-weather holidays,
18 Wayne and his family would gather at his parents' house to
19 celebrate with a cookout. They always did everything together.

20 In September 2016, I was looking for a part-time job.
21 I knew how loving the Jenkins family was and how well-behaved
22 the boys were, so I approached Wayne and asked if they had
23 found childcare for their impending new arrival, C.J. I
24 volunteered my services, and they readily accepted.

25 I started babysitting for the Jenkins family in 2017.

1 Wayne was working night shift, so he would be asleep when I
2 arrived. Kristy and the boys would leave after I arrived, and
3 almost every day Wayne would receive a call from work and would
4 have to go in early.

5 I know we live in a society where there have to be
6 consequences for our actions. Wayne did do things that were
7 wrong, as he admitted.

8 I only ask Your Honor to consider his wife, Kristy;
9 his sons K.J., J.J., and C.J.; and his parents, Bonnie and
10 Lloyd, when deciding his sentence.

11 I am a Christian woman. Wayne and I have never
12 discussed God, forgiveness, or sin before this incident. I
13 have been writing Wayne since his incarceration, and I honestly
14 believe that he has had time to think and realize what a wrong
15 turn his life has taken and how wrong he was.

16 I do believe people can change. And I believe
17 wholeheartedly that when he gets out, he will use his time left
18 on this earth to make a positive change and to help others do
19 the same.

20 Thank you.

21 **THE COURT:** Thank you. Thank you, Ms. Kraft.

22 **MR. LEVIN:** Your Honor, one last person would like to
23 address the Court, Mr. Jenkins' brother.

24 **THE COURT:** Sure.

25 **THE CLERK:** Sir, please state your name for the

1 record.

2 **LLOYD JENKINS:** Yes, ma'am. My name's Lloyd Jenkins.

3 **THE CLERK:** Thank you.

4 **LLOYD JENKINS:** Good morning, Your Honor.

5 **THE COURT:** Good morning.

6 **LLOYD JENKINS:** Your Honor, my name is Lloyd Jenkins.

7 I'm here to speak on behalf of my brother Wayne.

8 I'm 39 years old and married with two children, ages 5
9 and 6. I've been with my wife, Jaime, for almost 20 years.

10 I'm a Baltimore County firefighter, both career and volunteer,
11 and have been serving locally for 18 years.

12 Prior to that, I completed high school and a four-year
13 tech college for heating and air conditioning where I obtained
14 my journeyman's license.

15 Over the last year, I've been the main contact between
16 Mr. Levin and our family. And I've been very aware -- been
17 made very aware of the terrible things that my brother has been
18 involved in.

19 These things are actually hard to believe; but
20 unfortunately for our family, they came to be true.

21 These crimes are truly not like my brother. And I
22 hope that character letters, myself speaking to you today, and
23 the support in the courtroom today will help give you a better
24 picture of who my brother is.

25 Wayne and I grew up in a typical middle-class home.

1 Our father and mother, who are here today, have been together
2 for 50 years. They raised five of us: four brothers and a
3 sister, with Wayne being the youngest.

4 Dad, like Wayne, was a U.S. Marine and taught us the
5 importance of family and strong moral character.

6 Wayne, like the rest of us, believe in these
7 attributes. Despite his mistakes, he believes in these
8 attributes.

9 With these beliefs and strong family ties, we usually
10 see each other every weekend and none of us moved far from our
11 parents' home where we grew up.

12 Wayne is an incredible father and husband. And I've
13 always admired him for that and his energy he would find for
14 his boys and Kristy. He never stayed idle. If he was off
15 work, he and the family would be out, even after long nights
16 with no sleep.

17 Wayne and Kristy wanted the boys to have the best
18 childhood possible. At the same time they, like our parents,
19 expected the boys to be respectful and appreciative of the
20 things that they had in life.

21 Wayne raised his boys as we were raised, and it shows
22 as his boys already present very strong attributes.

23 I am not sure how my brother got lost along the way.
24 What I am sure of is my brother was lost. What I can tell you
25 now is he's accepted these things. Wayne told me and Kristy,

1 as early as two weeks ago, that he deserves to go to prison for
2 the things that he's done.

3 He's also since then called me very distraught and
4 told me he was sorry for the things that he's done, and he
5 knows that his conduct will continue to cause a lot of people
6 pain: his wife, his children, our parents, and the community.

7 Wayne has always been dedicated to any task he took
8 on, from sports as a child, to dedication to friends and family
9 as we got older, to his impeccable service as a U.S. Marine.
10 Unfortunately, his dedication and service to the police
11 department and the City of Baltimore will be forgotten due to
12 his conduct.

13 Wayne has tarnished his name and a lot of things that
14 we've been taught to stand for. He's lost his career, his
15 retirement, and the things that him and Kristy have worked so
16 hard for.

17 Most of all, he's missing his family, which I know for
18 him is the most severe of all penalties.

19 With all that being said, he's a good man and he will
20 get through this.

21 My family and I know and understand that Wayne has to
22 serve a long sentence to pay his debt to society for his
23 crimes.

24 I can assure you, Your Honor, that after Wayne serves
25 his sentence, he will welcome -- we will welcome him home. And

1 I know he will continue to be dedicated to his family as well
2 as dedicated to righting his wrongs in any way that he can.

3 Thank you for your time, Your Honor.

4 **THE COURT:** Thank you very much. Thank you.

5 Mr. Levin.

6 **MR. LEVIN:** Your Honor, in Gene Fowler's book,
7 "Good Night, Sweet Prince," John Barrymore said the following
8 words: "A man is not old until regrets take the place of
9 dreams."

10 Although he is not quite 40 years of age,
11 Wayne Jenkins, filled with regret, is old.

12 And the origin of the word "regret," Your Honor, comes
13 from French. And it means to look back with distress and
14 sorrowful longing.

15 For Wayne Jenkins, it means an overwhelming feeling of
16 disappointment, distress over things he wishes he had done,
17 things he wishes he had said.

18 Also, it means regret or distress over many things he
19 wishes he hadn't done, things he hadn't said or written.

20 Wayne Jenkins knows he's let his community down; he's
21 let his loved ones down; he's let himself down. And for all of
22 that, Your Honor, he is racked with remorse.

23 I'm sure Your Honor will recall when he pled guilty,
24 he shared, unprompted, that remorse he felt and the shame he
25 brought to himself and his family.

1 And to those who have known Wayne Jenkins since his
2 youth, as well as those who have known him as an adult, his
3 involvement in these offenses is incomprehensible.

4 Growing up in Maryland, Wayne Jenkins had a host of
5 dreams. He dreamed of being, like his father, a good and
6 decent man, a man Wayne Jenkins has described to me and others
7 as his best friend.

8 He dreamed of defending bullies -- defending others
9 against bullies, things made clear in the letters to Your Honor
10 that he did as a young man.

11 He dreamed of serving in the United States
12 Marine Corps, like his father. And he did serve, and he served
13 honorably, as reflected by the records, his awards, and his
14 certificate of discharge, some of which was shared with
15 Your Honor.

16 After being injured in a training accident and having
17 to, therefore, leave the military, other dreams replaced those
18 earlier dreams.

19 Mr. Jenkins dreamed of serving successfully in the
20 Baltimore City Police Department, and his dreams were realized
21 for a while.

22 In a few short years, Mr. Jenkins went from police
23 academy cadet to detective; a few years later, detective to
24 sergeant.

25 And those were just his professional dreams,

1 Your Honor. He also had personal dreams, some of which were
2 realized.

3 Mr. Jenkins married his high school girlfriend, to
4 whom he remains married to this day. He dreamed of having a
5 big and loving family, of being a big presence in their lives.
6 As you know -- as you've heard, Your Honor, he certainly was.

7 But those dreams have died. Those dreams are no more.
8 They have been replaced by pain, by hurt, welling up in his
9 heart. And I don't mean the physical pain he has suffered
10 while detained. I will address that a little bit later,
11 Your Honor. I mean the pain caused by regret that keeps
12 Wayne Jenkins up at night, wishing he had acted differently.

13 It's what causes tears to well up in his eyes, knowing
14 that he acted in a manner in which he should not have acted.

15 It's what causes his heart to break when he considers
16 his conduct.

17 But, Your Honor, it is from that same place of
18 heartbreak, from sorrow, guilt, and of regret that gives rise
19 to his feelings of contrition and shame.

20 If there's one thing Wayne Jenkins has learned from
21 all of this, something he has shared with me many times, it's
22 the value of regret.

23 As Wendy Kraft might appreciate, regret is a fair but
24 tough teacher. Regret has taught Wayne Jenkins not only the
25 feelings I have described, which are clearly on display here

1 today, but it has guided Wayne Jenkins towards a commendable
2 course of conduct.

3 Even in the darkness of his deepest regrets, even in
4 the anguish and agony that he feels from acting as he did,
5 Wayne Jenkins has tried to conquer some of those regrets.

6 Mr. Jenkins expressed a desire to plead guilty early
7 on, before the superseding indictment was returned.

8 Mr. Jenkins, of course, pled guilty. Unlike some of
9 his co-defendants, he has accepted responsibility for his
10 actions.

11 This does not just save the Government time, money,
12 and resources. It does not just mean that Mr. Jenkins' case
13 ends here in District Court rather than to burden the appellate
14 courts. It also reflects a step, the right step, towards
15 rehabilitation. Regret has also prompted him today, through
16 counsel, to apologize and ask forgiveness from those he has
17 harmed.

18 And it's not the kind of apology that involves some
19 sort of self-justification, Your Honor. In a New York Times
20 piece earlier this week, Margaret Renkl talked about apologies.

21 Now, in her context, she was addressing celebrity
22 apologies, admittedly for conduct far less outrageous than the
23 matters before us.

24 Still, I'd like to share some of her words with the
25 Court.

1 Ms. Renkl wrote [reading]: When a person causes
2 egregious offense, the appropriate response isn't damage
3 control. The appropriate response is a genuine apology,
4 because to acknowledge a mistake is to participate fully in the
5 human community. We all mess up.

6 She goes on [reading]: It isn't necessary to think of
7 these tendencies as being part of a sinful nature to understand
8 that they are endemic to human life. Even a full-throated
9 apology won't erase a colossal mistake. We will never make
10 ourselves perfect, but we can try to make ourselves better.

11 Mr. Jenkins is trying to make himself better through
12 his genuine apology and his sincere regret and the actions
13 associated with that regret.

14 It's been said that our past is our wisdom. Put
15 another way, good judgment comes from experience; experience
16 comes from bad judgment.

17 Mr. Jenkins' past, while filled, regrettably, with
18 numerous examples of bad judgment, is not without significant
19 positives, as reflected in the numerous letters Your Honor has
20 read.

21 Those positives include Wayne Jenkins serving as a
22 committed football coach to children in his community; being a
23 loving and supportive family member to a widowed aunt; being an
24 involved father to his children, at home and at school; a
25 dedicated son to aging parents; a dedicated member of his

1 community, always willing, always, to mow lawns and shovel snow
2 for elderly neighbors.

3 Those are just some of the positives; but, of course,
4 they are overshadowed by the negatives.

5 Today is not only a day to examine who Wayne Jenkins
6 was, but who he's becoming, who he can become, Your Honor. His
7 regret for his past poor judgment is a symbol that he can learn
8 from his past, a symbol that it's never too late to feel pangs
9 of sorrow; he certainly feels them.

10 It is also a symbol that regrets can lead to dreams.
11 And perhaps Wayne, Mr. Jenkins, can still dream, at least a
12 little.

13 For Wayne Jenkins, that dream might be to regain his
14 freedom after 20 long years in prison. And those years will be
15 long.

16 The Bureau of Prisons will, in all likelihood,
17 designate Mr. Jenkins to a prison far from his family.

18 According to Harley G. Lappin, former director of the
19 Federal Bureau of Prisons, in a 2010 statement before Congress
20 [reading]: Convicted law enforcement officials are initially
21 designated to a facility that is less likely to have offenders
22 with whom the official came into contact in the community.

23 Mr. Jenkins' news coverage may amplify that effect.
24 Mr. Lappin continued [reading]: Inmates who have had extensive
25 media publicity associated with their case may also need to be

1 designated to a facility further from home, as local media
2 attention and the likelihood that their crime victims might
3 have a nexus to inmates in a facility close to home can lead to
4 security risks for such offenders.

5 Your Honor, as a result, it will be difficult for
6 Mr. Jenkins' wife and children, who are of limited means, to
7 visit him.

8 I mentioned earlier the physical pain that Mr. Jenkins
9 has suffered. So far while detained, he has been beaten by a
10 fellow inmate who knew him to be a police officer,
11 notwithstanding Mr. Jenkins' warning cries prior to that he was
12 being targeted.

13 And this week he suffered an injury as a result of an
14 accident at Chesapeake Detention Facility for which
15 Mr. Jenkins, three days later, was finally taken to the
16 hospital. And it was determined he has tendon damage.

17 In short, Mr. Jenkins will serve much harder time than
18 other inmates. His prison sentence will likely include
19 substantial isolation, enhanced levels of fear and anxiety, and
20 almost complete separation from his family.

21 So his dream now is that he will still have some shred
22 of a life after a sentence of 20 years.

23 20 years ago, Your Honor, was 1998. It was a
24 different world. It was the year a company called Google was
25 born. It was before 9/11. It was before iPhones. It was a

1 long time ago.

2 A sentence of 20 years is likely much longer than
3 many, if not all, of his co-defendants will receive. And it is
4 a sentence that takes into account the good he has done
5 throughout his life, as well as the lessons he has learned from
6 the bad.

7 It is, as dreams go, not much and certainly very
8 different than what he had in mind at one time early in his
9 life. But it is something to hold onto.

10 Thank you, Your Honor.

11 **THE COURT:** Thank you, Mr. Levin. I appreciate it.

12 And I should say, of course, I have reviewed the many
13 letters of support that Mr. Jenkins did receive and all the
14 information in your sentencing memorandum, Mr. Levin. Thank
15 you.

16 Mr. Jenkins, if there is anything you would like to
17 say before I make a final decision, you have the right to do
18 that. You don't have to. It's entirely up to you. But you
19 can just stay there, but speak into the microphone.

20 **THE DEFENDANT:** To the Davises, who lost their loved
21 ones, from the bottom of my heart, I wish I could take that day
22 back and not stop that vehicle.

23 And to Mr. Umar [sic], I'm so sorry about your father.
24 I sat at the University of Maryland and held the woman's hand
25 for over an hour in the bed. I held her hand for over an hour

1 with her, the passenger in that vehicle.

2 Mr. Umar Burley, I'm sure you're going to hear this,
3 but I am truly sorry for, after finding out what happened with
4 the drugs being planted, I didn't speak up. I didn't come
5 forward after I found out about that. I should have came
6 forward, and I didn't.

7 I've tarnished the badge.

8 I'll get to my family in a minute.

9 But what really hurts is once a Marine, always a
10 Marine. It hurt the Marines.

11 Pat, Dan -- I got one of my buddies in the audience
12 from the Marine Corps. I'm so sorry for hurting the
13 Marine Corps. That hurts until the day I die.

14 Dan, I'm sorry for that, man.

15 I made so many mistakes, Your Honor. In my whole life
16 I said "I'm sorry" when I make a mistake, but that don't --
17 "I'm sorry" don't cut it. Nothing ever hurt so bad as to see
18 my sons through glass and not be able to touch them when they
19 cry.

20 I have a 1-and-a-half-year-old son I don't even know.
21 And when he comes into the room to see me, he won't even get
22 close to me. I brought this on myself.

23 Ms. Davis, about your father, I'm so sorry for what
24 you're going through, 'cause my father is my best friend. I
25 love my father more than life itself. Mom, you, too.

1 I wish I never would have stopped that vehicle. I
2 can't take it back. And I put my heart and soul into my job
3 for so many years.

4 And, Your Honor, I've been alone mostly for this year
5 and a half 'cause I can't be around people in jail, obviously.
6 And it's playing mental parts on me. But, again, it's my
7 fault. I know it's my fault, 'cause I did it. And I deserve
8 to be punished. I deserve to go to jail.

9 Kristy, you're the love of my life. And if I ever
10 hurt you like this, I'm so sorry for hurting you.

11 And I haven't been able to go to the grave to visit my
12 son since I've been in here. Me and my wife went every Sunday.

13 I'm going to -- my dad's got health concerns. He's
14 not going to be around. I'm going to miss that. And that's my
15 fault. I'm going to miss my parents' growing old and being at
16 funerals.

17 I've done so many -- I've never read the Bible a day
18 in my life. I'm one of the people who went to jail to find
19 God.

20 So I finally went to jail and I read the Bible over 31
21 times, and I can't stop reading it and asking for forgiveness.
22 I can't stop reading it.

23 I feel so bad for what I did. I have no chance of
24 being a father, raising my children. The only thing I can hope
25 for and pray to God is that I get a decent sentence so I can be

1 a grandfather and make up for it to my grandkids, 'cause I'm
2 losing the opportunity to be a father.

3 Kristy, I'm so sorry. You don't -- you deserve better
4 than me.

5 Dan and Pat, I'm sorry for disgracing the
6 Marine Corps.

7 I made so many mistakes, Your Honor. I'm going to die
8 with those, and I know I'm wrong. God knows I'm wrong.

9 I just want to be a grandfather because I'm losing --
10 if I get 30 years, I'll be a senior citizen, literally be a
11 senior citizen.

12 I'm so sorry, Your Honor. I'm so sorry to the
13 citizens of Baltimore.

14 Mr. Umar Burley, God forgive me. I wish I would have
15 came clean when I found out that drugs were planted. I should
16 have came clean, and I didn't.

17 I'm so sorry, Your Honor.

18 **THE COURT:** Okay. Thank you, sir.

19 Is there anything else that anyone wants to say that
20 they haven't had a chance to?

21 (No response.)

22 **THE COURT:** Okay. All right. Thank you, all.

23 This is obviously -- sentencing is a very difficult
24 thing that we all face from our different perspectives. And
25 there are many different factors we have to consider, and

1 they've all been addressed quite thoroughly and responsibly by
2 counsel today.

3 Let me talk about them.

4 The nature and circumstances of the offense, I have to
5 ask: What are the harms that have been caused by Mr. Jenkins'
6 and others' conduct?

7 There is obviously the harm to individual victims.
8 There's harm to people whose money was taken or whose rights
9 were violated; the gun and the badge that enabled Mr. Jenkins
10 and others to take money, to rob, to put people in dangerous
11 situations.

12 As has been pointed out, most of those people were not
13 likely to complain or to be believed if they did.

14 As I think Mr. Jenkins recognizes, this was a great
15 abuse of the public trust.

16 Officers take an oath to uphold the law. That's why
17 they have the right to have that gun and that badge, so they
18 can enforce the law, not break the law.

19 There's enormous power that we entrust to the police
20 in reliance on that oath that's been broken.

21 And that just deepens the distrust that obviously many
22 people in our community already feel toward the police when
23 these kinds of actions are taken and acknowledged and
24 prosecuted.

25 The actions by Mr. Jenkins and others have resulted --

1 I don't know the exact number. We have the most recent
2 estimate from the State's Attorney in Baltimore City of 1700.
3 That may or may not be exactly right, but there's no denying
4 that there are hundreds of criminal cases that have had to be
5 dismissed, even if the convictions were, in fact, justified,
6 because the credibility of the officers on which the
7 convictions rested has been destroyed.

8 There's extensive overtime fraud that Mr. Jenkins has
9 acknowledged that has resulted in stealing money from a City
10 that doesn't have any money to spare.

11 All of this conduct has also made much more difficult
12 the job of what I still believe to be the majority of men and
13 women in uniform who face danger and hardship every day trying
14 to protect the public; but they do it with this increased lack
15 of trust, which is understandable, by the community toward the
16 police.

17 And, as I said, in connection with Mr. Allers'
18 sentencing, it strikes at the foundation of our entire criminal
19 justice system if a judge and a jury cannot rely on the word of
20 sworn law enforcement officers because those officers are
21 covering up their own crimes.

22 So there is a great deal of harm that's been done.
23 The nature and circumstances of this offense are very serious.

24 Obviously, I also have to consider the history and
25 characteristics of Mr. Jenkins. He's been a police officer

1 since 2003.

2 I have no doubt there have been times he put himself
3 in harm's way to protect other people. I have no doubt he's
4 been involved in very stressful and disturbing situations and
5 has suffered personal tragedy in his own life.

6 I am sure he has been loyal and helpful to his family
7 and his friends and done good things for his community, which
8 are reflected in the letters and in the support today. And I'm
9 sure that he appreciates that support, the people that are here
10 for him. And I hope that will help him get through what must
11 be a lengthy prison sentence.

12 Again, none of that -- and I don't think he's telling
13 me that. None of that causes or excuses his participation as a
14 sergeant in the criminal conduct he's pled guilty to, which
15 began as early as 2011.

16 But I do think positive parts of a person's personal
17 history should be considered.

18 I will need to talk about relative culpability.
19 Mr. Jenkins, like Mr. Allers, was a sergeant. He was a
20 supervisor. He was someone who should have set an example and
21 never tolerated misconduct by his subordinates.

22 More seriously than Mr. Allers, he was extensively
23 involved -- and I don't think it requires getting into each
24 specific incident, exactly where the proof came from, but
25 there's no question he's admitted and I've heard testimony

1 about his being involved in stealing and distributing drugs --
2 cocaine, heroin, marijuana -- putting poison into our community
3 when he should have been protecting the community from that
4 poison.

5 He was extensively involved with overtime fraud, which
6 is not conduct for which Mr. Allers was sentenced.

7 And he did involve himself in a false report that put
8 two people in jail for a crime they did not commit.

9 These are all extremely serious and differentiate
10 Mr. Jenkins from Mr. Allers.

11 Unlike some others, however, he did accept
12 responsibility in significant part. He has pled guilty and has
13 admitted to extensive misconduct rather than going to trial,
14 and I do believe that he regrets what he has done.

15 There must be, to reflect the seriousness of the
16 offense and promote respect for the law and provide just
17 punishment, a significant period of incarceration.

18 I don't think there's an issue of specific deterrence
19 for Mr. Jenkins, but the factor of general deterrence has great
20 importance.

21 And the message must be clear that officers who break
22 their oaths by robbery and fraud will be prosecuted; they will
23 be justly punished for that conduct.

24 Taking that all into account, but also, I think,
25 Mr. Jenkins, giving him some credit for his personal history,

1 for his remorse, for his entering of a guilty plea, and
2 recognizing the circumstances that this jail time will -- the
3 punishment that simply any period of jail time will inflict on
4 him, where I come out to, in a way that I will break up among
5 these charges, is within the guidelines but closer to the low
6 end.

7 I do not believe 30 years is required, but I am going
8 to impose a total sentence of 25 years, Mr. Jenkins. That is
9 going to be the maximum sentence of 20 years on each of the
10 racketeering and the Hobbs Act conspiracy counts in this case.
11 So that is 240 months, concurrent, on each of those four counts
12 in Case No. 17-106.

13 In the separate case, a very serious case in itself
14 involving the falsification of records, which is 17-638, there
15 is going to be a consecutive sentence of five years on Count 1
16 with concurrent one-year sentences on Counts 2 through 5.

17 There is also going to be a period of supervised
18 release. It will be a total of supervised release of three
19 years -- that is, three years concurrent on each of Counts 1
20 through 4 in 17-106; three years on Count 1 in 17-638; and a
21 year concurrent on each of Counts 2 through 5.

22 I'm required to impose a special assessment of \$100 on
23 each of the five felonies and \$25 on the four misdemeanors.

24 It occurs to me we have not spoken about restitution.

25 Mr. Wise?

1 **MR. WISE:** Your Honor, we will submit -- we'll work
2 with counsel to submit an order restituting the victims in this
3 case after the sentencing proceeding.

4 **THE COURT:** Restitution will be deferred.

5 Mr. Jenkins' financial circumstances, I don't believe,
6 permit a fine, particularly in light of the restitution.

7 Special conditions of supervised release are going to
8 include any alcohol abuse treatment or counseling the probation
9 officer recommends.

10 That may not be a problem any longer when he is
11 released, but I believe it has been a problem.

12 And providing the probation officer access to any
13 financial information that they may wish to see.

14 Is there any specific recommendation?

15 I recognize you're right, Mr. Levin, that there are
16 complications in designating police officers.

17 But are there any specific recommendations to the
18 Bureau of Prisons you want me to make?

19 **MR. LEVIN:** No, Your Honor, because of those
20 complications.

21 And we would request, anticipating Your Honor's next
22 question, the RDAP program.

23 **THE COURT:** Sure.

24 **MR. LEVIN:** Thank you.

25 **THE COURT:** I'll recommend that he participate in any

1 substance- or alcohol-abuse program that he is eligible for
2 within the Bureau of Prisons, which may include the
3 RDAP program.

4 I'm also going to recommend mental health counseling,
5 both as a condition of supervised release and while he is
6 within the Bureau of Prisons.

7 Have I left anything out? Anything I have not
8 addressed about that sentence?

9 **MR. WISE:** Just briefly, Your Honor, on outstanding
10 counts, I can do that now or --

11 **THE COURT:** Sure. Go ahead.

12 **MR. WISE:** The United States moves to dismiss the
13 original indictment and Counts 4 and 6 of the
14 superseding indictment in 17-106.

15 There are no outstanding counts in 17-638.

16 **THE COURT:** Okay. All right.

17 Mr. Jenkins, in light of the plea agreement and the
18 sentence, I don't think there's anything that you have a right
19 to appeal from.

20 But if you were going to be noting any appeal, that
21 would have to be within 14 days.

22 Do you understand that, sir?

23 **THE DEFENDANT:** Yes, ma'am.

24 I just want to apologize again about the Davises'
25 father.

<p>\$</p> <p>\$1 [1] 9/18</p> <p>\$1 million [1] 9/18</p> <p>\$1,800 [1] 15/22</p> <p>\$100 [1] 53/22</p> <p>\$160,000 [1] 14/8</p> <p>\$200,000 [2] 9/17 17/4</p> <p>\$25 [1] 53/23</p> <p>\$25,000 [1] 16/3</p> <p>\$80,000 [1] 14/8</p>	<p>30-year [1] 33/13</p> <p>31 [1] 47/20</p> <p>3553 [1] 26/2</p> <p>365 [1] 5/23</p> <p>39 [1] 35/8</p> <p>4</p> <p>40 [2] 5/22 38/10</p> <p>4th [1] 1/24</p> <p>5</p>	<p>55/8</p> <p>addressing [1] 41/21</p> <p>adequate [1] 11/17</p> <p>administration [1] 32/19</p> <p>admired [1] 36/13</p> <p>admit [1] 25/11</p> <p>admitted [5] 12/6 15/2 34/7 51/25 52/13</p> <p>admittedly [1] 41/22</p> <p>adult [1] 39/2</p> <p>advisory [1] 6/6</p> <p>affect [2] 4/19 10/3</p> <p>affected [1] 24/11</p> <p>affects [1] 10/1</p> <p>afford [1] 11/17</p> <p>after [11] 17/10 33/11 34/2 36/15 37/24 39/16 43/14 44/22 46/3 46/5 54/3</p> <p>again [14] 8/4 9/23 9/23 9/23 14/24 16/9 18/2 19/4 19/5 20/5 23/7 47/6 51/12 55/24</p> <p>against [3] 15/12 15/12 39/9</p> <p>age [1] 38/10</p> <p>agent [4] 2/6 2/7 3/10 16/3</p> <p>ages [1] 35/8</p> <p>aggravating [1] 26/8</p> <p>aging [1] 42/25</p> <p>ago [4] 29/9 37/1 44/23 45/1</p> <p>agony [1] 41/4</p> <p>agree [1] 4/25</p> <p>agreement [5] 5/11 5/18 11/22 19/20 55/17</p> <p>agrees [1] 5/24</p> <p>ahead [1] 55/11</p> <p>air [1] 35/13</p> <p>alcohol [2] 54/8 55/1</p> <p>alcohol-abuse [1] 55/1</p> <p>alive [1] 8/1</p> <p>all [39] 3/18 5/16 6/3 6/4 6/23 9/4 10/3 13/16 13/18 14/20 22/24 25/1 26/2 26/13 27/6 27/16 30/13 31/20 32/20 33/3 37/17 37/18 37/19 38/21 40/21 42/5 43/16 45/3 45/13 48/22 48/22 48/24 49/1 50/11 52/9 52/24 55/16 56/2 56/3</p> <p>Allers [16] 18/10 22/11 23/17 25/25 26/5 26/10 26/13 26/16 26/19 26/20 26/21 26/23 51/19 51/22 52/6 52/10</p> <p>Allers' [2] 27/3 50/17</p> <p>almost [15] 9/12 9/19 10/10 12/9 12/24 16/9 20/15 21/8 22/14 28/17 31/7 33/5 34/3 35/9 44/20</p> <p>alone [1] 47/4</p> <p>along [5] 9/24 17/3 20/18 31/22 36/23</p> <p>already [3] 24/24 36/22 49/22</p> <p>also [28] 2/3 6/8 6/12 10/4 11/19 12/25 13/15 14/11 19/19 20/6 20/10 27/7 30/11 31/18 32/1 32/19 37/3 38/18 40/1 41/14 41/15 43/10 43/25 50/11 50/24 52/24 53/17 55/4</p> <p>Although [1] 38/10</p> <p>always [11] 6/17 28/24 31/15 31/17 32/12 33/19 36/13 37/7 43/1 43/1 46/9</p> <p>am [11] 8/10 28/18 30/3 31/12 34/11 36/23 36/24 46/3 51/6 53/7 56/1</p>
<p>'</p> <p>'15 [1] 31/10</p> <p>'cause [6] 8/1 8/18 46/24 47/5 47/7 48/1</p> <p>/</p> <p>/s [1] 56/8</p> <p>1</p> <p>1-and-a-half-year-old [1] 46/20</p> <p>10 kilograms [1] 16/24</p> <p>101 [1] 1/24</p> <p>106 [5] 1/4 3/8 53/12 53/20 55/14</p> <p>10:10 a.m. [1] 3/2</p> <p>11 [5] 9/12 10/10 21/8 27/15 44/25</p> <p>11 o'clock [1] 14/19</p> <p>11:54 a.m. [1] 56/4</p> <p>11th [1] 15/16</p> <p>12 [1] 15/23</p> <p>14 [2] 15/23 55/21</p> <p>14-year [1] 22/2</p> <p>15 [2] 20/15 26/1</p> <p>17-106 [2] 53/20 55/14</p> <p>17-638 [4] 3/8 53/14 53/20 55/15</p> <p>1700 [3] 10/1 24/10 50/2</p> <p>18 [3] 31/13 35/11 56/11</p> <p>1985 [1] 30/20</p> <p>1998 [1] 44/23</p> <p>1A [1] 1/9</p>	<p>5 o'clock [1] 14/17</p> <p>50 [1] 36/2</p> <p>55 [1] 30/18</p> <p>6</p> <p>638 [5] 1/5 3/8 53/14 53/20 55/15</p> <p>9</p> <p>9-millimeter [1] 21/22</p> <p>9/11 [1] 44/25</p> <p>A</p> <p>a.m. [2] 3/2 56/4</p> <p>able [6] 19/15 19/17 22/15 28/11 46/18 47/11</p> <p>about [39] 4/18 5/20 6/13 8/5 9/12 10/17 10/24 10/25 12/2 12/7 13/1 13/12 16/1 16/12 17/7 17/11 17/17 17/25 18/2 18/9 19/13 19/21 21/10 21/25 26/14 27/2 27/4 31/17 31/18 41/20 45/23 46/5 46/23 49/3 51/18 52/1 53/24 55/8 55/24</p> <p>above [1] 56/7</p> <p>above-entitled [1] 56/7</p> <p>abuse [3] 49/15 54/8 55/1</p> <p>academic [1] 31/18</p> <p>academy [1] 39/23</p> <p>accept [2] 6/5 52/11</p> <p>accepted [3] 33/24 36/25 41/9</p> <p>access [1] 54/12</p> <p>accident [4] 7/24 21/18 39/16 44/14</p> <p>According [1] 43/18</p> <p>account [4] 21/6 27/8 45/4 52/24</p> <p>accounted [1] 25/9</p> <p>accuracy [1] 4/25</p> <p>achieve [1] 27/18</p> <p>acknowledge [1] 42/4</p> <p>acknowledged [2] 49/23 50/9</p> <p>Act [1] 53/10</p> <p>acted [3] 40/12 40/14 40/14</p> <p>acting [1] 41/4</p> <p>actions [13] 8/2 10/12 10/13 15/10 20/22 21/3 25/2 28/23 34/6 41/10 42/12 49/23 49/25</p> <p>active [1] 24/4</p> <p>actively [1] 15/4</p> <p>activity [1] 32/5</p> <p>actually [6] 4/13 6/12 9/9 12/18 18/16 35/19</p> <p>Adam [1] 2/5</p> <p>Adam Smith [1] 2/5</p> <p>added [1] 4/17</p> <p>additions [5] 4/1 4/8 4/16 4/24 5/3</p> <p>address [8] 6/11 7/7 11/14 11/19 14/13 30/12 34/23 40/10</p> <p>addressed [4] 26/2 26/3 49/1</p>	<p>55/8</p> <p>addressing [1] 41/21</p> <p>adequate [1] 11/17</p> <p>administration [1] 32/19</p> <p>admired [1] 36/13</p> <p>admit [1] 25/11</p> <p>admitted [5] 12/6 15/2 34/7 51/25 52/13</p> <p>admittedly [1] 41/22</p> <p>adult [1] 39/2</p> <p>advisory [1] 6/6</p> <p>affect [2] 4/19 10/3</p> <p>affected [1] 24/11</p> <p>affects [1] 10/1</p> <p>afford [1] 11/17</p> <p>after [11] 17/10 33/11 34/2 36/15 37/24 39/16 43/14 44/22 46/3 46/5 54/3</p> <p>again [14] 8/4 9/23 9/23 9/23 14/24 16/9 18/2 19/4 19/5 20/5 23/7 47/6 51/12 55/24</p> <p>against [3] 15/12 15/12 39/9</p> <p>age [1] 38/10</p> <p>agent [4] 2/6 2/7 3/10 16/3</p> <p>ages [1] 35/8</p> <p>aggravating [1] 26/8</p> <p>aging [1] 42/25</p> <p>ago [4] 29/9 37/1 44/23 45/1</p> <p>agony [1] 41/4</p> <p>agree [1] 4/25</p> <p>agreement [5] 5/11 5/18 11/22 19/20 55/17</p> <p>agrees [1] 5/24</p> <p>ahead [1] 55/11</p> <p>air [1] 35/13</p> <p>alcohol [2] 54/8 55/1</p> <p>alcohol-abuse [1] 55/1</p> <p>alive [1] 8/1</p> <p>all [39] 3/18 5/16 6/3 6/4 6/23 9/4 10/3 13/16 13/18 14/20 22/24 25/1 26/2 26/13 27/6 27/16 30/13 31/20 32/20 33/3 37/17 37/18 37/19 38/21 40/21 42/5 43/16 45/3 45/13 48/22 48/22 48/24 49/1 50/11 52/9 52/24 55/16 56/2 56/3</p> <p>Allers [16] 18/10 22/11 23/17 25/25 26/5 26/10 26/13 26/16 26/19 26/20 26/21 26/23 51/19 51/22 52/6 52/10</p> <p>Allers' [2] 27/3 50/17</p> <p>almost [15] 9/12 9/19 10/10 12/9 12/24 16/9 20/15 21/8 22/14 28/17 31/7 33/5 34/3 35/9 44/20</p> <p>alone [1] 47/4</p> <p>along [5] 9/24 17/3 20/18 31/22 36/23</p> <p>already [3] 24/24 36/22 49/22</p> <p>also [28] 2/3 6/8 6/12 10/4 11/19 12/25 13/15 14/11 19/19 20/6 20/10 27/7 30/11 31/18 32/1 32/19 37/3 38/18 40/1 41/14 41/15 43/10 43/25 50/11 50/24 52/24 53/17 55/4</p> <p>Although [1] 38/10</p> <p>always [11] 6/17 28/24 31/15 31/17 32/12 33/19 36/13 37/7 43/1 43/1 46/9</p> <p>am [11] 8/10 28/18 30/3 31/12 34/11 36/23 36/24 46/3 51/6 53/7 56/1</p>
<p>2</p> <p>20 [9] 6/9 16/3 27/1 35/9 43/14 44/22 44/23 45/2 53/9</p> <p>2003 [1] 51/1</p> <p>2006 [1] 22/5</p> <p>2010 [1] 43/19</p> <p>2011 [3] 15/16 15/17 51/15</p> <p>2011-2012 [1] 31/9</p> <p>2012 [1] 31/9</p> <p>2014 [1] 15/23</p> <p>2014-'15 [1] 31/10</p> <p>2015 [1] 15/25</p> <p>2016 [5] 10/15 16/8 16/11 18/7 33/20</p> <p>2017 [3] 22/2 31/14 33/25</p> <p>2018 [2] 1/9 56/11</p> <p>21201 [1] 1/25</p> <p>22nd [1] 16/11</p> <p>24 [2] 27/2 27/8</p> <p>240 [1] 53/11</p> <p>25 [3] 28/17 30/6 53/8</p> <p>28-year-old [1] 30/19</p> <p>292 [1] 5/23</p>	<p>3</p> <p>30 [8] 6/9 16/4 27/1 27/5 27/17 30/25 48/10 53/7</p>	<p>3</p>
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